

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

QUENTIN LA GRANDE,

Plaintiff,

-against-

1:18-CV-1501 (LEK/DJS)

TRADEBE ENVIRONMENTAL  
SERVICES, LLC, *et al.*,

Defendants.

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**ORDER**

**I. INTRODUCTION**

This matter comes before the Court following a Report-Recommendation filed on February 15, 2019, by the Honorable Daniel J. Stewart, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. Dkt. No. 5 (“Report-Recommendation”).

**II. LEGAL STANDARD**

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b); L.R. 72.1(c). If objections are timely filed, a court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” § 636(b). However, if no objections are made, a district court need review the report-recommendation only for clear error. Barnes v. Prack, No. 11-CV-857, 2013 WL 1121353, at \*1 (N.D.N.Y. Mar. 18, 2013); Farid v. Bouey, 554 F. Supp. 2d 301, 306–07, 306 n.2 (N.D.N.Y. 2008), abrogated on other grounds by Widomski v. State Univ. of N.Y. at Orange, 748 F.3d 471 (2d Cir.

2014). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” § 636(b).

### **III. DISCUSSION**

No objections were filed in the allotted time period. Docket. Accordingly, the Court has reviewed the Report-Recommendation for clear error and has found none. The Court therefore adopts the Report-Recommendation in its entirety.

The Court is in receipt of Plaintiff’s recent letters asking that he be given until April 22, 2019 to file an amended complaint. Dkt. Nos. 6, 8 (“Letter Motions”). These motions are moot, as the Court, in keeping with the Report-Recommendation, grants Plaintiff until April 22, 2019 to file an amended complaint. If Plaintiff does not file an amended complaint by that time, the Clerk shall dismiss this action without further order from the Court.

### **IV. CONCLUSION**

Accordingly, it is hereby:

**ORDERED**, that the Report-Recommendation (Dkt. No. 5) is **APPROVED and ADOPTED in its entirety**; and it is further  
**ORDERED**, that Plaintiff’s complaint (Dkt. No. 1) is **DISMISSED** in its entirety; and it is further

**ORDERED**, that Plaintiff’s Letter Motions (Dkt Nos. 6, 8) are **DENIED as moot**; and it is further

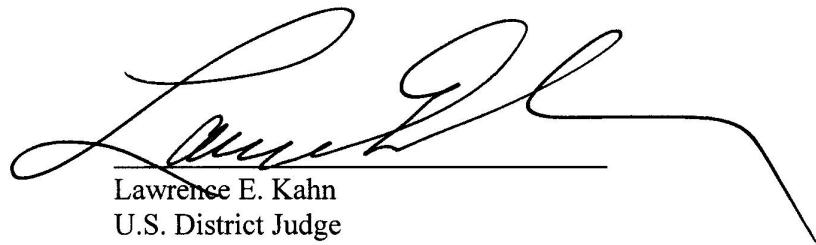
**ORDERED**, that if Plaintiff wishes to proceed with this action, he must file an amended complaint by April 22, 2019; and it is further

**ORDERED**, that if Plaintiff fails to timely file an amended complaint as directed above, the Clerk shall enter judgment indicating that this action is dismissed without prejudice for failure to state a claim upon which relief may be granted; and it is further

**ORDERED**, that the Clerk of the Court serve a copy of this Order on Plaintiff.

**IT IS SO ORDERED.**

DATED: March 13, 2019  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge